

MATTHEW G. BEVIN Governor

FINANCE AND ADMINISTRATION CABINET DEPARTMENT OF REVENUE

501 HIGH STREET FRANKFORT, KENTUCKY 40620 Phone (502) 564-3226 Fax (502) 564-3875 www.kentucky.gov WILLIAM M. LANDRUM III
Secretary

DANIEL P. BORK
Commissioner

In the matter of:

Contact:

c/o

PLLC

FINAL RULING NO. 2016-28

July 27, 2016

Tangible Personal Property Ad Valorem Tax Assessments
Tax Years 2009 and 2010

FINAL RULING

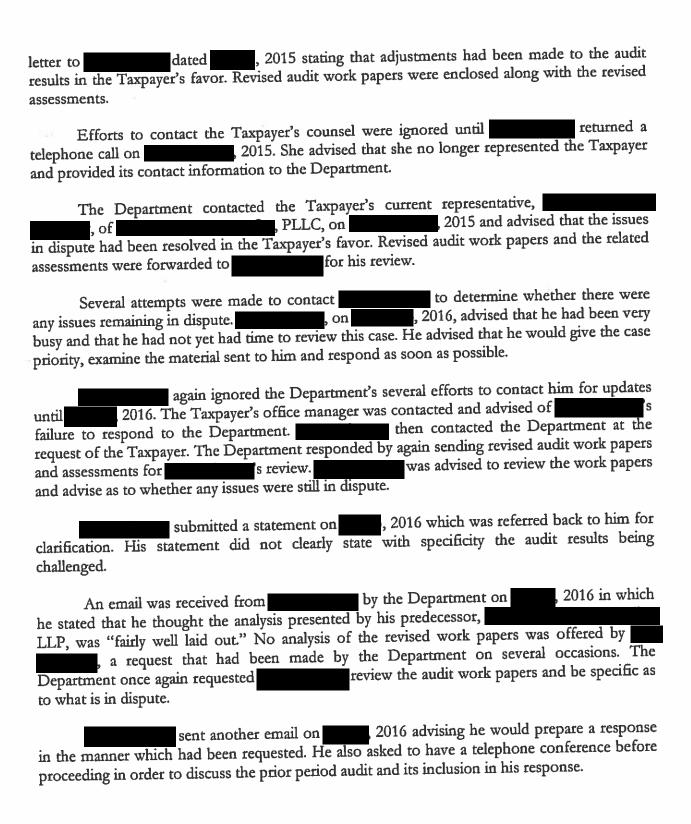
The Kentucky Department of Revenue ("Department") currently has outstanding tangible personal property tax assessments against plus applicable interest and penalties and less credits for tax years 2009 and 2010 ("Audit Period"). A breakdown of the assessments is shown in the chart below:

Tax Year	Notice#	Tax	Interest July 27, 2016	Penalty July 27, 2016	Credits	Total July 27, 2016
2009		9	\$	\$	\$	\$
2010		2	\$	\$	\$	\$
111	Totals	48	\$	\$	9	\$

The Department performed a tangible property tax audit on the Taxpayer for tax years 2009 through 2011. Taxpayer's counsel, CPA of LLP, subsequently protested certain audit findings in a letter dated 2013. The main issue in dispute was the misclassification of recycling equipment, a type of property subject to the state tax only and exempt from local taxation. The Department responded in a



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The Department sent an email on an email on a telephone conference as had been requested. He was requested to provide a time and a telephone number to call. No response has yet been received.

The Department believes the Taxpayer has been given ample time and opportunity to provide information which could dispute additional audit findings and now therefore deems the audit results conclusive and the resulting assessments due and owing.

This letter is the final ruling of the Department of Revenue.

APPEAL

You may appeal this final ruling to the Kentucky Board of Tax Appeals pursuant to the provisions of KRS 131.110, KRS 131.340-131.365, 103 KAR 1:010 and 802 KAR 1:010. If you decide to appeal this final ruling, your petition of appeal must be filed at the principal office of the Kentucky Board of Tax Appeals, 128 Brighton Park Boulevard, Frankfort, Kentucky 40601-3714, within thirty (30) days from the date of this final ruling. The rules of the Kentucky Board of Tax Appeals, which are set forth in 802 KAR 1:010, require that the petition of appeal must:

- Be filed in quintuplicate;
- 2. Contain a brief statement of the law and facts in issue;
- 3. Contain the petitioner's or appellant's position as to the law and facts; and
- 4. Include a copy of this final ruling with each copy of the petition of appeal.

The petition of appeal must be in writing and signed by the petitioner or appellant. Filings by facsimile or other electronic means shall not be accepted.

Proceedings before the Kentucky Board of Tax Appeals are conducted in accordance with 103 KAR 1:010, 802 KAR 1:010 and KRS 131.340-131.365 and KRS Chapter 13B. Formal hearings are held by the Board concerning the tax appeals before it, with all testimony and proceedings officially reported. Legal representation of parties to appeals before the Board is governed by the following rules set forth in Section 3 of 802 KAR 1:010:

- 1. An individual may represent himself in any proceedings before the Board where his individual tax liability is at issue or he may obtain an attorney to represent him in those proceedings;
- 2. An individual who is not an attorney may not represent any other individual or legal entity in any proceedings before the Board;
- 3. In accordance with Supreme Court Rule 3.020, if the appealing party is a corporation, trust, estate, partnership, joint venture, LLC, or any other artificial legal entity, the entity must be represented by an attorney on all matters before the Board, including the filing

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of the petition of appeal. If the petition of appeal is filed by a non-attorney representative for the legal entity, the appeal will be dismissed by the Board; and
4. An attorney who is not licensed to practice in Kentucky may practice before the Board only if he complies with Rule 3.030(2) of the Rules of the Kentucky Supreme Court.

You will be notified by the Clerk of the Board of the date and time set for any hearing.

Sincerely,

DEPARTMENT OF REVENUE

Attorney Manager

Office of Legal Services for Revenue

CERTIFIED MAIL RETURN RECEIPT REQUESTED